

# Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs

The requirements in this document apply only to milk substitutes for children whose dietary needs do not constitute a disability. Meal modifications for children whose disability restricts their diet must follow the federal nondiscrimination laws and regulations. For more information, refer to the Connecticut State Department of Education's (CSDE) guide, [\*Accommodating Special Diets in School Nutrition Programs\*](#).



Public schools, private schools, and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture's (USDA) school nutrition programs must follow the USDA's requirements for milk substitutes for children without a disability. School nutrition programs include the National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program (ASP) of the NSLP, Seamless Summer Option (SSO) of the NSLP, Special Milk Program (SMP), and Child and Adult Care Food Program (CACFP) At-risk Supper Program implemented in schools.

School food authorities (SFAs) have the option to offer one or more allowable fluid milk substitutes for children without a disability. If the SFA chooses to make allowable milk substitutes available, they must be available for all children when requested by a parent or guardian. The USDA does not provide additional reimbursement for these substitutions.



## Allowable Milk Substitutes

The USDA allows two types of milk substitutes for children whose dietary needs do not constitute a disability.

1. **Lactose-free or lactose-reduced milk** that meets the appropriate fat content and flavor restrictions for each grade group. Lactose-free or lactose-reduced milk must be unflavored low-fat, unflavored fat-free, or flavored fat-free for grades K-12; unflavored whole for age 1; and unflavored low-fat or fat-free for ages 2-4. The USDA recommends that lactose-free or lactose-reduced milk is the first choice for children with lactose intolerance.
2. **Nondairy milk substitutes** that meet the USDA's nutrition standards for fluid milk substitutes (refer to table 1), such as certain brands of soy milk.

SFAs may choose to offer only one milk substitute. If children decide not to take this option, the SFA is not obligated to offer any other milk substitutes.

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## USDA's Nutrition Standards for Milk Substitutes

SFAs that choose to offer a nondairy milk substitute for children without a disability must use products that meet the USDA's nutrition standards for fluid milk substitutes (refer to table 1). Nondairy milk substitutes for grades K-12 may be flavored or unflavored. Nondairy milk substitutes for preschoolers (ages 1-4) must be unflavored.

For children without a disability, reimbursable meals and ASP snacks cannot contain nondairy beverages that do not comply with the USDA's nutrition standards for fluid milk substitutes, even with a medical statement signed by a recognized medical authority. A noncompliant nondairy beverage cannot replace milk unless the child's medically documented disability specifically requires it.

Table 1. Nutrition standards for fluid milk substitutes	
Minimum nutrients per cup (8 fluid ounces)	
Calcium	276 milligrams (mg) or 30% Daily Value (DV) <sup>1</sup>
Protein	8 grams (g)
Vitamin A	500 international units (IU) or 10% DV
Vitamin D	100 IU or 25% DV
Magnesium	24 mg or 6% DV
Phosphorus	222 mg or 20% DV <sup>1</sup>
Potassium	349 mg or 10% DV <sup>1</sup>
Riboflavin	0.44 mg or 25% DV <sup>1</sup>
Vitamin B12	1.1 micrograms (mcg) or 20% DV <sup>1</sup>
<sup>1</sup> The Food and Drug Administration (FDA) labeling laws require manufacturers to round nutrition values to the nearest 5 percent. The unrounded minimum DV is 27.6% for calcium, 22.2% for phosphorus, 9.97% for potassium, 25.88% for riboflavin, and 18.33% for vitamin B12. Source: <i>How to Determine if a Soy-Based Beverage Meets the Nutrient Requirements to Qualify as an Authorized Milk Substitute in WIC</i> , USDA Food and Nutrition Services (FNS) Office of Research, Nutrition, and Analysis (ORNA), 2006.	

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## Additional state requirements for milk substitutes in public schools

In addition to meeting the USDA's nutrition standards for fluid milk substitutes, all nondairy milk substitutes sold as part of and separately from reimbursable meals (a la carte sales) in public schools must meet the state beverage requirements of [Section 10-221q](#) of the Connecticut General Statutes. Nondairy milk substitutes cannot contain artificial sweeteners and cannot contain exceed 4 grams of sugar per ounce, 35 percent of calories from fat, and 10 percent of calories from saturated fat. The state beverage statute does not apply to private schools or RCCIs.

## Identifying acceptable nondairy beverages

The Nutrition Facts label does not usually include all of the nutrients required to identify a product's compliance with the USDA's nutrition standards for fluid milk substitutes. If the Nutrition Facts label is missing any of the required nutrient information, SFAs must contact the manufacturer to obtain a product specification sheet that documents the product's compliance with each of the nine nutrients (refer to table 1).

SFAs can use the USDA's protein standard to screen nondairy products and determine if they might meet the USDA's nutrition standards. The USDA requires that fluid milk substitutes must contain 8 grams of protein per cup (8 fluid ounces). If the product's Nutrition Facts label lists less than 8 grams of protein per 1-cup serving, the product does not meet the USDA's nutrition standards.

If the product's Nutrition Facts label lists at least 8 grams of protein per 1-cup serving, the product *might* meet the USDA's nutrition standards. The SFA must obtain additional information from the manufacturer to determine if the product also meets the standards for calcium, vitamin A, vitamin D, magnesium, phosphorus, potassium, riboflavin, and vitamin B12 (refer to table 1). SFAs are encouraged to submit this information to the CSDE so that new acceptable products can be added to the CSDE's [List of Acceptable Foods and Beverages](#) webpage.

## Required Documentation

Nondairy milk substitutes for children without a disability do not require a medical statement from a recognized medical authority. Parents or guardians may request a nondairy milk substitute in writing. The written request must identify the medical or other special dietary need that restricts the child's diet and requires the substitution. Requests for milk substitutes must be maintained on file with children's medical records.

The provision allowing a written request from parents or guardians applies only to milk substitutions for children without a disability. Any other optional modifications for children without a disability must meet the meal patterns. For information on meal modifications for children without a

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disability, review section 3 of the CSDE's guide, [\*Accommodating Special Diets in School Nutrition Programs\*](#).

## Other Beverages

If a child's dietary restriction is not related to a disability, SFAs cannot substitute any other beverages for milk, even with a medical statement signed by a recognized medical authority. Examples of beverages that cannot be substituted for milk include:

- juice;
- water;
- milk substitutes that do not comply with the USDA's nutrition standards for fluid milk substitutes, such as almond milk, rice milk, and cashew milk;
- nutrition supplement beverages, such as Abbott's Pediasure; and
- powdered milk beverages, such as Nestle's NIDO.



Meals and ASP snacks for children without a disability are not reimbursable if they contain any of these beverages in place of milk. If the SFA chooses to make milk substitutes available, they must include at least one choice of either lactose-reduced or lactose-free milk, or an allowable nondairy beverage that meets the USDA's nutrition standards for milk substitutes. These are the only two options allowed for milk substitutes for children without a disability.

## Acceptable Milk Substitute Products

Certain brands of soy milk are the only nondairy milk products that currently meet the USDA's nutrition standards for fluid milk substitutes. Almond milk, cashew milk, rice milk, oat milk, and other nondairy milk products do not meet these standards and cannot substitute for milk in the school nutrition programs.

Not all brands of soy milk meet the USDA's requirements. Before purchasing any type of soy milk, SFAs should review products to make sure they comply with the USDA's requirements. The CSDE's [List of Acceptable Foods and Beverages](#) webpage (list 17) includes products that meet the USDA's nutrition standards for fluid milk substitutes and the requirements of the state beverage statute.

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## Resources

Accommodating Special Diets in School Nutrition Programs (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Special\\_Diets\\_Guide\\_SNP.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Special_Diets_Guide_SNP.pdf)

CSDE Operational Memorandum No. 13-17: Requirements for Meal Modifications in the School Nutrition Programs:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2017/OM13-17.pdf>

CSDE Operational Memo No. 09-11: USDA Requirements for Milk Substitutes for Nondisabled Children:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OMEarlierYears/OM09-11.pdf>

Final Rule: Fluid Milk Substitutions in the School Nutrition Programs (73 FR 52903):

<https://www.fns.usda.gov/school-meals/fr-091208>

Meal Patterns for Grades K-12 in School Nutrition Programs (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Meal-Patterns-School-Nutrition-Programs>

Meal Patterns for Preschoolers in School Nutrition Programs (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Meal-Patterns-Preschoolers-in-School-Nutrition-Programs>

Requirements for Meal Modifications in School Nutrition Programs (CSDE Presentation):

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/SpecialDietsPresentation.pdf>

Special Diets in School Nutrition Programs (CSDE webpage):

<http://portal.ct.gov/SDE/Nutrition/Special-Diets-in-School-Nutrition-Programs>

USDA Memo SP 02-2009: Final Fluid Milk Substitution Rule:

<https://www.fns.usda.gov/final-fluid-milk-substitution-rule>

USDA Memo SP 07-2010, CACFP 04-2010, and SFSP 05-2010: Questions and Answers: Fluid Milk Substitutions:

<https://www.fns.usda.gov/qas-milk-substitution-children-medical-or-special-dietary-needs-non-disability>

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For more information, visit the Connecticut State Department of Education's (CSDE) [Special Diets in School Nutrition Programs](#) webpage or contact the [school nutrition programs staff](#) in the CSDE's Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at [https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Milk\\_Substitutes\\_SNP.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Milk_Substitutes_SNP.pdf).

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To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Coordinator (ADA), Connecticut State Department of Education, 450 Columbus Boulevard, Suite 505, Hartford, CT 06103, 860-807-2071, [levy.gillespie@ct.gov](mailto:levy.gillespie@ct.gov).